IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION Case No. 5:21-cv-00058-M

MICHAEL PARKER,)	
Plaintiff,)	
v.)	ORDER
KILOLO KIJAKAZI, Acting Commissioner of Social Security,))	
Defendant.	,))	

These matters come before the court on the Plaintiff's motion for judgment on the pleadings [DE 25] and Defendant's motion for judgment on the pleadings [DE 27]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert T. Numbers II entered a memorandum and recommendation ("M&R"), recommending that the court deny Plaintiff's motion, grant Defendant's motion, and affirm the Commissioner's decision. DE 29. On December 12, 2022, Plaintiff filed objections to the M&R, and Defendant filed a timely response. DE 30, 31.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); accord Mathews v. Weber, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." Id. § 636(b)(1). Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. Diamond v. Colonial

Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has reviewed all relevant documents and the case record, and agrees with Defendant that except for vague references to the M&R's findings that "substantial evidence" existed "to support the ruling of the ALJ" and that "the ALJ's conclusion that [Plaintiff's] treatment showed mild restrictions and minimal objective findings" was correct (DE 30 at 3, 6), Plaintiff substantially repeats his arguments that were presented to and considered by Judge Numbers. Thus, Plaintiff has failed to identify portions of the M&R or the magistrate judge's specific findings to which objection is purportedly made.

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff's motion for judgment on the pleadings [DE 25] is DENIED, Defendant's motion for judgment on the pleadings [DE 27] is GRANTED, and the Commissioner's decision is AFFIRMED. The Clerk of Court is directed to close this case.

SO ORDERED this _____ day of March, 2023.

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE